

**BOROUGH OF BRADLEY BEACH  
COUNCIL BUSINESS MEETING MINUTES  
SEPTEMBER 11, 2024 AT 6:30 P.M.**

**A Meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey on the above date and time.**

**IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (N.J.S.A. 10:4-8b).**

**THIS MEETING WAS HELD IN-PERSON AND THROUGH THE ZOOM MEETING PLATFORM, BEING BROADCAST FROM BOROUGH HALL, 701 MAIN STREET, BRADLEY BEACH, NJ 07720. PUBLIC PARTICIPATION FOR THIS COUNCIL BUSINESS MEETING OF SEPTEMBER 11, 2024 WAS AVAILABLE IN PERSON OR THROUGH THE ZOOM LINK POSTED TO THE WEBSITE. THE COUNCIL MEETINGS (RESOLUTION 2023-289 ADOPTED DECEMBER 6, 2023) FOR CALENDAR YEAR 2024 WAS ADVERTISED IN THE NEW COASTER, THE COAST STAR, AND THE ASBURY PARK PRESS ON DECEMBER 14, 2023.**

**WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE MUNICIPAL CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.**

**CALL TO ORDER**

**Mayor Fox opened the meeting with a salute to the flag.**

**The Sunshine Law was read.**

**ROLL CALL AT 6:30 P.M.**

**Present at the September 11, 2024 Council Business Meeting:**

**Governing Body Members: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox  
Municipal Clerk, Erica Kostyz  
Borough Attorney, Gregory Cannon  
Michele Whille, Deputy Municipal Clerk, Zoom Facilitator  
Police Chief, James Arnold, Detective Lieutenant Terry Browning**

**Mayor Fox requested a moment of silence in remembrance of the victims of September 11<sup>th</sup>.**

**Mayor Fox made a motion to reverse the order of Workshops and Presentations on the Agenda, seconded by Councilwoman DeNoble.**

**ROLL CALL:**

**AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None**

**PRESENTATIONS:**

**Beach Operations – Michael Rosenberg, Chief Lifeguard**

**Topics presented and discussed:**

- **Safety precautions - Checkered Flag System**
- **Budgetary needs – Lifeguard equipment and storage**
- **Practice, training opportunities, tournaments.**
- **Monmouth County Lifeguard Academy – CPR training**
- **Watchtower Reporting Platform**
- **Wonderful collaboration with Town Officials, DPW, Police, Gate Guards, and neighboring towns.**

**Proclamations:**

**Michele Collins spoke about the development of this organization, ovarian cancer symptoms, the importance of medical research, and early diagnosis and thanked the Mayor for supporting this initiative.**

**Turn the Towns Teal – Presented by Mayor Fox**

**WHEREAS, September has been designated as “National Ovarian Cancer Awareness Month;” and**

**WHEREAS, “Turn the Towns Teal” is a national campaign to create awareness of Ovarian Cancer and during the month of September volunteers tie teal ribbons throughout town; and**

**WHEREAS, “Turn the Towns Teal” was an inspiration of Gail MacNeil of Chatham, New Jersey and goes forward in her name and her honor; and**

**WHEREAS, Ovarian Cancer is called the “silent disease” because symptoms are often subtle and/or vague and often mimic other disorders; and**

**WHEREAS, Ovarian Cancer is the fifth leading cause of cancer death among women. Each year more than 20,000 women are diagnosed with the disease and approximately 13,000 dies from it; and**

**WHEREAS, if detected in its early stages, the five-year survival rate from ovarian cancer can be as high as ninety to ninety-five percent, however there is no screening test, so awareness of symptoms remains imperative and early detection awareness imperative; and**

**WHEREAS, the Borough of Bradley Beach will participate in the “Turn the Towns Teal” campaign, with ribbons adorning parts of Main Street and the boardwalk for the month of September.**

**NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Bradley Beach do hereby support the “Turn the Towns Teal Awareness Campaign” and proclaim September as “Ovarian Cancer Awareness Month.”**

**Congregation Agudath Achim 100 Year Anniversary – Presented by Mayor Fox**

**WHEREAS, the year 2024, marks the 100<sup>th</sup> Anniversary of the Agudath Achim Synagogue in the Borough of Bradley Beach; and**

**WHEREAS, In the late 1800's a group of Jewish men gathered together to pray. The five men called themselves the Son's of Abraham and met in various homes. On September 23, 1923, they signed the papers to incorporate as Congregation Agudath Achim. On that same day they purchased a house on the corner of McCabe and Beach Avenues, 711 Beach Avenue; and**

**WHEREAS, in 1924 the Congregation purchased a square lot on the corner of McCabe and Central Avenues and in 1927 they celebrated the completion of the new Synagogue in its present location. Through expansions and renovations the building eventually included a Community Center, Auditorium, Offices, and Library as you see today; and**

**WHEREAS, The Synagogue attracted the many Jewish summer residents that came to Bradley Beach every year from Newark, New York, and Long Island, assuring them that they had a place of worship all summer. Many of them are now our all-year residents. The Synagogue plays an important part in their lives for both social and religious gatherings.**

**WHEREAS, Over the years the Congregation has served the community with events in the park, that welcome the entire community, formed a team to face the Police Department in a Basketball game called "Jews vs. Blues" and invited the Governing Body to various social events.**

**NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Bradley Beach urge the community to join in recognition and appreciation for the members, past and present, of the congregation of Agudath Achim for their commitment and generous contributions to our entire community.**

**9/11 Remembrance Day – Presented by Mayor Fox**

**WHEREAS, September 11, 2001, was etched into America's memory when nineteen terrorists attacked us with barbarity unequalled in our history; and**

**WHEREAS, while we continue to recover from the loss of innocent lives, the spirit of the United States of America has been revitalized, giving way to expressions of patriotism; and**

**WHEREAS, we, as a community, wish to honor the heroic service, actions, and sacrifices of First Responders, Law Enforcement Personnel, State of Local Officials, Volunteers, and countless others who aided the innocent victims of those attacks, risking and often sacrificing their own lives; and**

**WHEREAS, from the tragedy of September 11<sup>th</sup> emerged a stronger nation, renewed by a spirit of national pride, and a true love of country; and**

**WHEREAS, we honor and cherish the memory of the thousands of innocent victims that were lost and we extend our thoughts and prayers to the victims' families and honor the heroic men and women who risked and sacrificed their lives so others might survive; and**

**NOW, THEREFORE BE IT RESOLVED, on behalf of the Governing Body of the Borough of Bradley Beach, do hereby proclaim Wednesday, September 11, 2024, as:**

**“SEPTEMBER 11<sup>th</sup> REMEMBRANCE DAY”**

**in the Borough of Bradley Beach and urge our citizens to set aside September 11<sup>th</sup> as a day to mourn, reflect and rededicate ourselves to ending terrorism, and honor the victims of September 11<sup>th</sup> by reaffirming our commitment to sustaining our newfound patriotism.**

**PROCLAIMED this 11<sup>th</sup> day of September 2024.**

**WORKSHOP(S):**

**319 LaReine Avenue:**

**Mayor Fox presented the following key items presented via Power Point:**

**December of 2022 Post Referendum Three Primary Options**

- **Auction the Property**
- **Raze the site – sub-divide for sale.**
- **Redevelopment plan**

**2023 Summary of Activity from March to October.**

**2024 Summary**

- **Auction of property resulting in no bids.**
- **Feedback from Online Auction Real Estate firm, realtors, and developers.**

**Recommendations**

- **Re-issue the 2023 Demolition RFP as soon as possible**
- **Schedule the pre-approval of major sub-division with the Land Use Board and complete prior to the auction of property.**

**Council Comments:**

**Councilman Gubitosi’s thoughts and concerns included:**

- **The results from the various professionals were not presented before this evening.**
- **It is important the Land Use Board review and approve the sub-division and deed-restrictions.**
- **Effective management with the demolition process to protect the residents.**
- **Selling the lots through more traditional real estate channels and feels the Borough can gain more by selling the lots to the public individually as opposed to a developer.**

**Mr. Cannon clarified all the lots, whether together or separately would have to be sold by auction as was attempted in July.**

**Councilwoman DeNoble:**

- **Advertising is important.**
- **Have the Business Administrator manage the demolition process instead of an engineer.**
- **Utilizing a shared service agreement with the County for demolition.**

**Discussion ensued amongst the Governing Body regarding the risk factor of not hiring an engineer for the demolition.**

**Councilwoman Mahoney inquired about an engineer’s expertise and responsibilities versus a demolition firm that does this kind of work regularly.**

**Mayor Fox responded to this inquiry.**

**Further discussion continued again regarding risk factors.**

**The Governing Body decided to alter Resolution 2024-170 from authorizing an Engineer to a Demolition Company.**

**The following citizens shared their opinions, suggestions, concerns, and questions with the Governing Body.**

**Thomas McGuire, 610 Brinley Avenue – knows of a potential demolition company.**

**Paul Neshamkin, 411 ½ LaReine Avenue – protection and preservation of artifacts.**

**Cindy Lukenda, 218 Fourth Avenue – setting a minimum price on each lot.**

**Barbara Kenny, 216 Brinley Avenue – deed restrictions on property.**

**Nancy Meadow, 805 Beach Avenue – disposal cost concerns.**

**Beth Kepler, 504 Central Avenue – deed restriction concerns.**

**Thomas J. Coan, 612 Third Avenue – requested a resolution be passed for the Borough Engineer to do a grading plan.**

**Donald Warnet, 503 Burlington Avenue – requested Council collaborate and agree on an approved course of action as quickly as possible.**

**Brigitte McGuire, 610 Brinley Avenue – feels course of action is being held up due to election season.**

**Mea Molin, 302 Fourth Avenue (Zoom) – net profit and budget concerns.**

**MINUTES APPROVAL**

**ON MOTION by Fox/DeNoble to approve the Council Business Meeting Minutes of August 28, 2024.**

**ROLL CALL:**

**AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox**  
**NAYS: None**  
**ABSENT: None**  
**ABSTAIN: None**

**APPROVED**

**Public Comments on Agenda Items:**

**In Person:**

**Beth Kepler, 504 Central Avenue, read a statement pertaining to Borough Code section 450-49 and 319 LaReine Avenue. \*STATEMENT ATTACHED\***

**Mayor Fox stated he was not responsible for OPRA Reform Resolution 2024-120 being placed on the agenda in May and was not responsible for implementing the sign ordinance revision done in 2021.**

**Ms. Kepler also asked Councilman Gubitosi if he would commit to a thorough review of the Borough Code if elected Mayor.**

**Councilman Gubitosi responded he will not use the Council dais to make campaign promises, however all Councilmembers present and future are committed to reviewing and keeping the Borough Ordinances current.**

**Thomas J. Coan, 612 Third Avenue, expressed his frustration regarding having to remove the sandwich board sign for 401 Main Street for not being properly placed according to the Code Enforcement Officer and presented a list of eleven businesses in town with sandwich board signs and requested they be required to get a resolution of approval also.**

**Discussion ensued between the Governing Body and Mr. Cannon regarding the legal requirements for proper placement of sandwich board signs. It was decided to withdraw the resolution later in the meeting.**

**Nancy Meadow, 805 Beach Avenue, stated she feels there is a lack of rules and procedures in the Borough.**

**Zoom: None**

**ORDINANCES: None for introduction or adoption**

**COMMUNICATIONS :**

- **Recently Hired Employees Memo – DPW and Community Development**

**CONSENT AGENDA RESOLUTIONS: None**

**INDIVIDUAL RESOLUTIONS:**

**Mr. Cannon read aloud amended resolution 2024-170.**

**2024–170 Authorizing the Borough Administrator/Qualified Purchasing Agent to advertise for bids for the demolition and disposal of all structures located upon 319 LaReine Avenue.**

**ON MOTION by Fox/DeNoble to adopt Resolution 2024-170.**

**ROLL CALL:**

**AYES: DeNoble, Gubitosi, Mahoney , Mayor Fox**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: Weber**

**ADOPTED**

**2024-171 Authorizing the filing of a development application for a Major Subdivision and the recording of a Deed Restriction as to the Borough-owned property located at 319 LaReine Avenue.**

**Councilwoman DeNoble gave a statement explaining the history of how this resolution came to fruition and voted yes.**

**Mayor Fox stated he took a bit of exception to Ms. DeNoble's statement and voted yes.**

ON MOTION by Fox/Mahoney to adopt Resolution 2024-171

**ROLL CALL:**

**AYES:** DeNoble, Gubitosi, Mahoney, Mayor Fox

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** Weber

**ADOPTED**

**2024-172 Granting permission for Hatch 44 Café located at 401 Main Street to place and maintain a Sandwich-Board type sign within the Borough right-of-way in front of said location.**

**Councilman Gubitosi requested Code Enforcement be informed about the policing of this ordinance.**

**Councilman Weber requested Code Enforcement apologize to the business owner for this error.**

ON MOTION by Weber/Mahoney to withdraw Resolution 2024-172

**ROLL CALL:**

**AYES:** DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**WITHDRAWN**

**ANNOUNCEMENTS: None**

**MAYOR AND COUNCIL REPORTS:**

**Mayor Fox:**

- **The Borough has exceeded the revenue for beach badge sales.**
- **Provided an update on the grant/financial status for the Sylvan Lake Outfall Pipe repair.**
- **Agudath Achim is planning renovations and continued growth. Thanks to Rabbi Kelman for his leadership.**
- **The next Mayor's Wellness Walk is scheduled for Friday evening, May 20<sup>th</sup>.**
- **The Bradley Food Pantry held their ribbon cutting ceremony on September 5<sup>th</sup> at their new location in Neptune City.**
- **The Local Summer Event on Saturday, September 7<sup>th</sup> was a success.**

### Councilwoman DeNoble

- Attended the Shade Tree Commission meeting on September 4<sup>th</sup> and updated on the applications, upcoming fall planting, and provided the current financial status.
- Attended the Tourism meeting on September 10<sup>th</sup> and announced the upcoming events and provided the current financial status.
- Mentioned a text received by the school Superintendent regarding the Tree of the Month.

### Councilman Gubitosi:

- Provided the Police activity report.
- Congratulated Agudath Achim on their 100<sup>th</sup> year anniversary.
- Mentioned the remembrance of 9/11 and a resident's request to fly the flag to the end of the month.

Councilman Gubitosi made a motion to extend the flying the flag for 9/11 to the end of September, seconded by Councilwoman DeNoble.

### ROLL CALL:

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

- The Sylvan Lake Commission will meet next Wednesday on September 18<sup>th</sup>.
- Gave a statement regarding the Local 152 negotiations.

### Councilwoman Mahoney:

The Environmental Commission met on September 9<sup>th</sup>. The Commission continued to discuss Bradley's Beach's participation in Sustainable NJ. There will be a Beach Sweep on October 7<sup>th</sup> from 9:00 a.m. - 12:30 p.m.

The Land Use Board will meet on September 19<sup>th</sup>.

As we move forward with the disposition of the 319 LaReine Avenue property, I would be remiss in not to mention something that important to our small Borough that as of yet remains unresolved. That is the status of Local 152 contract.

Part of the joy of living in our small Borough is the quick response of our Police force. None of that would be possible without our amazing dispatchers who man the lines 24/7 and dispatch our Police, Fire, and EMS to issues larger towns would not have the time for. Burgers on the grill about to catch your house on fire, "we will get someone right there." Ducklings in a drain, they will dispatch. Having trouble breathing, someone will be there in seconds, Dog getting attacked? Dispatch will have an officer help you and your animal.

Additionally, we have an amazing DPW who keeps our town neat and tidy and works tirelessly and in the most friendly manner. They keep this place running and looking meticulous.

We have clerical staff who fall under Local 152, and they too work hard to keep this Borough running. Yet for twenty months they have been working without a contract.



Our updates from the Administration regarding the negotiations are vague at best. Recently, after the most recent update (not including the one we received at 5:00 p.m. this evening) Councilman Gubitosi asked a question that I too had wondered, and had even asked before months ago, “Could the Council review a two-column summary of the latest proposal for each side perhaps including the top 5 or 10 key issues?”

The response from the Mayor was, The Administration will provide information on the proposed contract with the Council once negotiations are finalized.

Our update late this afternoon assures us we are no farther along in the process. And this Council does not know why. We do not know what the sticking points are, we do not know what is being offered, we do not know what is being asked for. But what I do know, is that this “Transaction” will go down on the list of the failures of this Administration.

**Councilman Weber:**

- Provided the First Aid activity report.
- The Shade Tree Commission will be applying for a grant to assist with the removal of Spotted Lantern Flies.
- Provided information on the Anchor Tax Relief.
- Mr. Weber stated he hopes there will be a resolve to the Local 152 negotiations soon.

**Public Comments:**

**In Person:**

Nancy Meadow, 805 Beach Avenue, expressed her complaints and opinions about Local 152, Meals on Wheels, the website.

Eileen Shissias, 112 Fourth Avenue, made inquiries about Mr. Fehrenbach’s involvement in Borough business and the Acting Borough Administrator’s attendance at meetings which were addressed by Mayor Fox.

Linda Duffy, 312 Brinley Avenue.

- Inquired if the Council have had access to the CFO – addressed by Mayor Fox.
- Thanked the Council for addressing the Goose removal.
- Commended the Lifeguards for doing a fantastic job this summer.

Julie Nutaitis, 605 Newark Avenue, inquired about Council involvement in the Local 152 negotiations.

Beth Kepler, 504 Central Avenue, shared information from her YouTube channel pertaining to the former communications consultant Mairin Bellack and Meghan Ann Bennett, the Borough Bond Attorney.

Thomas J. Coan, 612 Central Avenue, responded to the Mayor’s comments pertaining to Resolution 2024-171.

Brigitte McGuire, 610 Brinley Avenue, expressed concerns with the use of surplus amount for the 2024 budget.

**Zoom:**

**Mary Backstrom, 218 Fourth Avenue, expressed opinions regarding sandwich board signs, Local 152 negotiations, and Mr. Fehrenbach's involvement with Borough Business.**

**EXECUTIVE SESSION:**

ON MOTION by Fox/DeNoble to retire into Executive Session at 9:25 p.m. to discuss a Personnel Matter and a Litigation Matter.

- **Personnel Policy Review**
- **Municipal Clerk's Contract**
- **Garrison vs. Bradley Beach**

**Resolution 2024-173 Retire into Executive Session.**

**ROLL CALL:**

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

ON MOTION by Fox/Gubitosi to return from Executive Session at 10:25 p.m. and conclude the Council Business Meeting.

**ROLL CALL:**

AYES: DeNoble, Gubitosi, Mahoney, Weber, Mayor Fox  
NAYS: None  
ABSENT: None  
ABSTAIN: None

**ADJOURNMENT:**

ON MOTION by Fox/Weber to adjourn the Council Business Meeting at 10:30 p.m.

**ROLL CALL:**

AYES: DeNoble, Gubitosi, Mahoney Weber  
NAYS: None  
ABSENT: Mayor Fox  
ABSTAIN: None

**THE COUNCIL BUSINESS MEETING ADJOURNED AT 10:30 P.M.**

  
Erica Kostyz, RMC, CMR  
Municipal Clerk